

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER	)	CASE NO. IPC-E-22-03
COMPANY'S APPLICATION REGARDING	)	
THE FIRST AMENDMENT TO THE	)	NOTICE OF APPLICATION
ENERGY SALES AGREEMENT WITH	)	
EIGHTMILE HYDRO CORPORATION FOR	)	NOTICE OF MODIFIED
THE SALE AND PURCHASE OF ELECTRIC	)	PROCEDURE
ENERGY FROM THE EIGHTMILE	)	
HYDRO PROJECT	)	ORDER NO. 35327
	)	

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On February 11, 2022, Idaho Power Company ("the Company") applied to the Idaho Public Utilities Commission ("Commission") for approval or rejection of the First Amendment to the Energy Sales Agreement ("ESA") between the Company and Eightmile Hydro Corporation ("Seller"). *Application* at 1. The ESA provides for the purchase of electric energy generated by the Eightmile Hydro project ("Facility") which is a qualifying facility ("QF") under the Public Utility Regulatory Policies Act of 1978 ("PURPA"). *Id.*

The Commission now issues this Notice of Application and Modified Procedure setting deadlines for interested persons to comment on the Application and for the Company to reply.

### BACKGROUND

The Company and Seller ("Parties") entered an ESA on August 21, 2014, for the purchase and sale of energy produced by the Facility. *Id.* at 2. Section 6.2.3 of the ESA allows Seller to adjust the monthly estimated Net Energy Amounts ("NEA") within a specified time period. *Id.* However, after the execution of the ESA and approval by the Commission,<sup>1</sup> Seller requested a change to the time-period for making NEA adjustments. *Id.*

### NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the First Amendment to the ESA provides for the deletion of the language previously set forth in Section 6.2.3 and replaces it with the language set forth in the Company's Application. *See Id.* Notably, the revision changes the requirement that

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<sup>1</sup> The Commission approved the ESA on August 21, 2014. *See* Order No. 33104 (Case No. IPC-E-14-12).

the Seller must notify the Company of Estimated NEA from before the 1<sup>st</sup> day of the month preceding the revised month to the 25<sup>th</sup> day of the month prior to the month being revised.<sup>2</sup>

YOU ARE FURTHER NOTIFIED that the First Amendment to the ESA to modify the NEA adjustment period was executed by the Parties on February 2, 2022, and February 7, 2022— but otherwise does not change any obligations or provisions in the ESA. *Id.* at 3.

YOU ARE FURTHER NOTIFIED that the Application and attachment are available for public inspection during regular business hours at the Commission’s office. These documents are also available on the Commission’s web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “ELECTRIC” icon, select “Open Cases,” and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons must file written comments within 21 days of the service date of this Order.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the “Case Comment Form” and complete the form using the case

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<sup>2</sup> Under the ESA approved by Order No. 33104, to revise the estimated NEA for February, the Seller would have to notify the Company of the revised estimate by December 31, whereas under the modification in this case, the Seller must notify the Company of revised estimates for February by January 25<sup>th</sup>, unless it falls on a weekend or holiday then it must be on the last business day before January 25<sup>th</sup>.

number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

**For the Idaho Public Utilities  
Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, ID 83714

**For Idaho Power Company:**

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1221 West Idaho Street (83702)  
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[energycontracts@idahopower.com](mailto:energycontracts@idahopower.com)

**YOU ARE FURTHER NOTIFIED** that the Company must file any reply comments **within 28 days of the service date of this Order.**

**YOU ARE FURTHER NOTIFIED** that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

**ORDER**

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rules 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within 21 days of the service date of this Order. The Company must file any reply comments within 28 days of the service date of this Order.

IT IS FURTHER ORDERED that the parties should continue to comply with Order No. 35058, issued June 3, 2021. All pleadings should be filed with the Commission electronically

and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25<sup>th</sup> day of February 2022.



ERIC ANDERSON, PRESIDENT

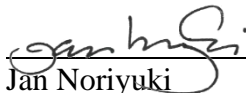


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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